Registered No. HSE-49/2016





ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

PART I EXTRAORDINARY

No.739 AMARAVATI, THURSDAY , NOVEMBER 17, 2016 **G.838**

NOTIFICATIONS BY GOVERNMENT

--x--

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT (H1)

VISAKHAPATNAM URBAN DEVELOPMENT AUTHORITY (VUDA) LAND POOLING SCHEME (FORMULATION AND IMPLEMENTATION), RULES, 2016".

[G.O.Ms.No.290, Municipal Administration & Urban Development (H1) Department, 14th November, 2016]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) read with clause (e) of sub-subsection (2) of section 116 of The Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016,(AP Act No.5 of 2016), the Government of Andhra Pradesh hereby make the following rules, namely, Visakhapatnam Urban Development Authority Development Land Pooling Scheme (Formulation and Implementation) Rules, 2016".

RULES

1. Introduction:

a) The VUDA has no budgetary support or release of funds from the State Government for its maintenance and carrying out its activities. Since, the VUDA has to generate its own resources by taking up developmental activities, it is necessary for VUDA to take up the projects such as Integrated Satellite Townships, layouts, housing projects etc., and disposing the same, to get the revenue required for its maintenance and for taking up public utility works with formation of master plans, development of parks etc.

b) The V.C, Visakhapatnam Urban Development Authority, Visakhapatnam has formulated land pooling scheme rules for Visakhapatnam Urban Development Authority and furnished the “Draft Land Pooling Scheme (formulation and implementation), Rules, 2016” and requested the Government to issue necessary guidelines in the form of Government Orders.

2. **Short title and Extent**

(1) These rules may be called as Visakhapatnam Urban Development Authority Land Pooling Scheme (Formulation and Implementation) Rules 2016’.

(2) They shall extend to the lands required to make special development scheme for Development of Visakhapatnam Urban Development Authority Area in connection with development of residential and commercial plots.

3. **Definitions.** (1) In these rules, unless the context otherwise requires:-

(a) ‘Act’ means the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act’ 2016.
(b) ‘Authority’ means the Visakhapatnam Urban Development Authority constituted under section 4(1) of the Act.
(c) ‘Appellate authority’ means the District Collector of District concerned in Visakhapatnam Urban Development Authority Area.
(d) ‘Commercial’ means area set apart for developing commercial space to undertake commercial activity as per the standards and norms laid down in the Visakhapatnam Urban Development Authority Area Development master plan or any other area development plan;
(e) ‘Competent Authority’ means Vice-Chairman, Visakhapatnam Urban Development Authority / Joint Collector / Revenue Divisional Officer, and includes any other officer not below the rank of Deputy Collector as notified by the Government of Andhra Pradesh for this purpose.
(f) `Government’ means the Government of Andhra Pradesh;
(g) ‘residential’ means area set apart for developing residential space as per the standards and norms laid down in the Visakhapatnam Area Development master plan or any other area development plan;
(h) ‘Website’ in the context of Land Pooling refers to official website of the Authority/District Collector; and

2. Words and expressions used but not defined in these rules shall have meanings assigned to them in the Act.

4. **Applicability**:

These rules shall be applicable to the entire notified development area of Visakhapatnam Urban Development Authority under section 17(5) of AP MR & UDA Act, 2016 for Development.

5. **General**:

The details of the Land Pooling Scheme (formulation and implementation), Rules, 2016” Visakhapatnam Area Development Authority (VUDA) area as follows:-

(1) The Authority may undertake land pooling scheme pursuant to the notification issued under sub-section 5 of Section 17 of the Act.

(2) The Government shall bring out guidelines for implementation of Land Pooling Scheme. Guidelines may include compensation to be given to structures in areas other than gramakhantam for standing annual crops.

(3) The plans made under land pooling scheme shall be in accordance with the plans sanctioned under Chapter V of the Act.

(4) The land use of the land taken up under LPS shall automatically stand changed to the land use proposed under the LPS provided the land use for such lands in the approved master plan is earmarked for peri-urban use, conservation use, agriculture use or any other non-conflicting use. However, such automatic change of land use under LPS shall not apply in cases where the approved master plan reserves the land for prohibited uses such as bio-conservation, water bodies, buffer zone and forest.

(5) The Authority where it warrants, duly recording reasons therefor, has the right to merge, split, alter, or revise one or more or all the components of the land pooling scheme and implement accordingly.

(6) The lands proposed in land pooling scheme shall be contiguous and approachable by an existing public road.

(7) The Authority in the overall interest of the development of the area and for the reasons specifically mentioned may take up the realignment of road network which was proposed in the sanctioned plans, if the said realignment is within the scheme area.

(8) The provisions, content, infrastructure and amenities to be provided, and cost of the land pooling scheme shall be as provided under Chapter V of the Act.

(9) The Authority may itself undertake the whole or part of the process related to the preparation and implementation of the LPS or may delegate the function to any officer or local body or Competent Authority for Land Pooling appointed by Government.

(10) The Authority may develop the secured land either on its own or in partnership with reputed agencies selected by following the prescribed procedure, which is fair and transparent.

(11) Development of the share of land meant for reconstituted plots to the land owners shall be taken up on priority.

(12) The details of objectives, process, roles and responsibilities under the LPS shall be as provided in the Schedules I to V to these rules

6. Declaration of intention:

1) Upon the requisition by the Vice-Chairman, VUDA, the Government may appoint either Vice-Chairman, VUDA or any officer not below the rank of a Deputy Collector as Competent Authority for Land Pooling under the functional and administrative control of the Vice-Chairman, VUDA. The Vice-Chairman, VUDA and the Competent Authority shall periodically report the progress of the land pooling to the Principal Secretary, MA & UD, AP, Amaravathi, and seek guidance for effective pooling of various land parcels.

2) Pursuant to the notification issued under sub-section (5) of section 17 of the Act, the Competent Authority shall issue a notice in **Form 1:**

   i) Inviting objections and suggestions on the proposed Land Pooling Scheme (LPS) in **Form 2** from the land owners or interested parties within **fifteen days** from the date of publication;

   ii) inviting participation of land owners in the proposed Land Pooling Scheme by receiving irrevocable consent applications in **Form 3** from the land owners;

3) The notice shall contain the details of public purpose, area, extent, with survey numbers and ownership details as available in cadastral register along with a plan if any, and shall be published in the manner provided under sub-section (4) of section 29 of the Act.

   a. The notice shall contain the details of the broad objectives of the scheme, process of the scheme, role and responsibility of the Authority, role of the land owners, area, extent, schedule of boundaries, survey numbers and ownership details available in revenue records, extent of the land reserved under sub-section (4) of section 29 of the Act, the compensation package provided to the land owners/landless families, and other salient features; and shall be published in the following manner:

      i. in the District Gazette;

      ii. in two daily newspapers circulating in the locality of such area of which one shall be in Telugu;

      iii. in Telugu in the Gram Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the Vice-Chairman, VUDA, the District Collector concerned, the Revenue Divisional Officer, the Tahsildar, the District Registrar and Sub registrar in the scheme area; and

      iv. on the website of Municipal Administration and Urban Development Department and Visakhapatnam Urban Development Authority.

   b. The notice shall also state that a copy of the plan of the proposed area is kept open for inspection of the land owners including the public at the office of the local body concerned, Competent Authority for Land Pooling during office hours and also in the website.

7. Notification of final area:

(1) All the objections and suggestions received pursuant to rule 6(2) and any request for modifying the extent of the scheme area shall be examined in detail, considered and disposed of by the Competent Authority with in **fifteen** days in **Form 4.** The final area notification shall be given in **Form 5** with in **fifteen** days from the date of such orders.

(2) An appeal lies to the Appellate authority on the orders of the Competent Authority within **seven days** from the date of receipt of orders of the Competent Authority under rule 7(1) and such orders shall be final.

8. Declaration of ownership (section 22(1) and section 24 of the Act):

1) Upon receipt of irrevocable consent application in **Form 3** public or individual notice in **Form 6** shall be sent to the landowner or public in general in accordance with procedure laid down under section 120 of the Act, seeking ownership records, encumbrances and objections on ownership, extent and boundaries, within **fifteen days** from the date of issue of notice in **Form 6.**

2) Verification of the title, extent and boundaries of the land parcels shall be done with reference to:

   i. the cadastral record such as Re-survey Register (RSR), Adangal, Field Measurement Book (FMB), Record of Rights (RoR) registers, entries digitally singed by Tahsildars in Meebhumi and such other registers available with the Collector;

ii. the registration record (conveyance record) consisting of all types of registered documents, encumbrance certificates, link documents and such other records available with Registrar;

iii. records available with religious and charitable institutions / wakf institutions

iv. the enjoyment survey duly demarcating possession / ownership of the applicant; and

v. hearing / enquiry conducted by the Competent Authority.

3) Determination of Government lands, assigned lands, endowment lands, wakf lands, bhoodan lands, forest lands or such other categories of lands shall be done by the Competent Authority after due verification as per rule 8(2) after considering the rival claims and objections received;

Provided that while determining the ownership of such lands:

i. lands belonging to endowments or wakf shall be treated on par with patta lands in terms of payment of benefits;

ii. unsettled Inam lands may be got settled by the concerned authority following the procedure under Inams Abolition Act;

4) The Competent Authority shall examine the **Form 3 claims** and the rival claims received duly verified as specified in rule 8(2), and pass orders in **Form 7** under his revenue seal and signature declaring the ownership and extent. Such orders shall contain true owners, apportionment of the land if any, entitlement of residential and commercial Reconstituted Plots (RP) and option for joint allocation.

5) Payment of benefits may commence after issue of **Form 7** orders duly taking possession of the land for development from the owner / owners.

6) Such cases where disputes with regard to land ownership remain unresolved shall be referred to a Court of competent jurisdiction duly depositing the benefit payments, and such referral shall not act as a bar for including the land under the land pooling scheme.

7) Registration of **Form 3 claims supported by Form 7 orders** shall be done by registrar suo-moto and such registration shall be exempted from Stamp duty and Registration fee.

9. Draft Land Pooling Scheme:

(1) As soon as may be, after the notification of intention to make the Land Pooling Scheme, the Competent Authority shall complete the preparation of the draft LPS within 180 days.

(2) The draft LPS shall consist of:

(i) combined sketch with area statement duly taking technical support from Assistant Director Survey & Land Records;

(ii) demarcation of village site / habitation planning boundary for purpose of village development plan;

(iii) list of eligible landowners with area statement and entitlements;

(iv) demarcation sketch duly showing the original lands belonging to landowners covered by orders of the competent authority.

(v) reconstituted plot as far as possible within the developed area earmarked for the land owners belonging to this LPS area of the scheme.

(vi) The draft LPS shall contain explanatory note explaining the salient features of the proposed development scheme.

(3) Competent Authority shall publish draft LPS in **Form 8** calling for objections or suggestions from the land owners giving a time period of thirty days from the date of such notice, in the manner specified in section 31(2) of the Act.

(4) Any person affected by the said draft LPS may submit objections or suggestions of the LPS in **Form 9** and the Competent Authority shall consider the same and modify the Scheme with the approval of the District Collector / Vice-Chairman, Visakhapatnam Urban Development Authority, as the case may be.

10. Final Land Pooling Scheme:

(1) Upon approval, the draft LPS becomes the Final LPS and the Competent Authority shall publish it in **Form 10** within fifteen days of approval, in the manner specified in sub-section 2 of Section 31 of the Act.

(2) Registrations of land shall be allowed during the period between draft LPS and issue of Land Pooling Ownership Certificate. The purchasers of lands from the landowners declared under Form 7 and not covered by Rule 9(2)(ii) shall be the deemed owners under the Act.

11. Vesting of land in Authority and issue of Land pooling ownership certificate:

(1) After notification of the final LPS, all the lands shall vest absolutely in the Authority free from all encumbrances under sub-section 3 of section 31 and the District Collector may summarily evict illegal occupants and enforce the scheme.

(2) Within thirty days from the date of physical marking of the reconstituted plots, the allotment of reconstituted plots shall be done to landowners by draw of lots, in an objective and transparent manner with due publicity under video cover.

(3) Within thirty days of allotment, the Competent Authority shall issue a Land Pooling Ownership Certificate [LPOC] in **Form 11,** which shall be the final proof of the holder's title to that land and thereafter cause entry of such ownership details into the records of the registration department without any cost to the land owner, by executing mutual conveyance deed on Rs. 100 value stamp paper.

(4) The LPOC shall contain details of the land owner's original land and reconstituted plot near Visakhapatnam along with sketches.

(5) The details of the LPOCs and parcels of land contributed by the land owners shall be made available on the website.

(6) The copies of the documents, plans and maps relating to the Final LPS shall be sent to the Stamps and Registration department as well as Tahsildar concerned where such copies shall be kept and made accessible to the public

12. Implementation of final Land Pooling Scheme:

(1) After the notification of the Final LPS the Authority shall take over all lands allotted to it and shall record the details of all such lands in **Form 12** register.

(2) The final LPS notification under rule 10(1) of the Land Pooling Scheme shall be a deemed land development permission by the Authority. The plot owners may apply for development permission accordingly.

(3) Within one year from the date of final LPS notification the Authority will complete the basic formation of roads and physical demarcation and handover physical possession of plots allotted.

(4) After handing over of physical possession of plots, a fresh cadastral record shall be prepared and such record shall be the basis for all registrations.

(5) LPOCs granted shall be registered without charging registration fee from the landowners in accordance with the provisions of the Registration Act, 1908 as mentioned under section 25 and section 31(4) of the Act.

(6) Within three years from the date of final LPS, the Authority will develop the infrastructure in a phased manner.

13. Completion of final Land Pooling Scheme to develop the same into Residential / Commercial Layout:

(1) Within a period of thirty days from the date of completion of development of infrastructure, the V.C, Visakhapatnam Urban Development Authority will publish a notice of Completion of the final Land Pooling Scheme in Form 13 duly furnishing the details of completion of the works along with the necessary infrastructure plans.

(2) Within thirty days after preparation of fresh cadastral record, the Collector concerned shall publish in Form 14 the details of reconstituted plots after carrying out mutations in Land Records.

(3) Upon verification of the above details, the Collectors concerned will issue the Completion Certificate in Form 15 along with layout of final Land Pooling Scheme.

14. Maintenance of the common infrastructure and facilities after issue of completion certificate:

(1) The Vice-Chairman, VUDA either on his own or by authorizing another agency direct maintenance of the infrastructure and amenities in Scheme Area in connection with development of Residential and Commercial plots by collecting the necessary user charges for such maintenance.

(2) Reconstituted plot owners and any other purchaser of the reconstituted plot shall pay the user charges levied by the agencies responsible for provision of civic services such as roads, street lighting, solid waste management, sewerage treatment facility, water supply, parks and play grounds or such other amenities.

15. Powers of Competent Authority:

(1) The Competent Authority or his officers shall be competent to enter and conduct land survey, and establish the true area falling under the land pooling or to confirm true area of the claim of person/persons interested and ascertain the original plot area or the apportionment of land, wherever required.

(2) The Competent Authority or his officers shall have the powers to ascertain the ownership, extent and boundaries under Revenue Acts and other laws in general and specifically:

i) To summon and examine the witnesses or the records under the Andhra Pradesh Revenue Summons Act, 1969(Act III of 1869);

ii) To conduct enquires to apportion the respective claims among the multiple persons interested in a parcel of land; and

iii) To pass orders in **Form 7** after establishing the ownership of the land

16. Miscellaneous:

(1) The Authority's decision shall be final in all matters relating to VUDA Land Pooling Scheme.

(2) The Authority, for the purposes of effective preparation and implementation of the Development Scheme, may delegate powers to the extent required to the officers of the Authority.

(3) The V.C, Visakhapatnam Urban Development Authority may extend the time limits for any of the activities mentioned under these rules for valid reasons and shall be competent to frame Forms required under Rules.

(4) The Competent Authority for VUDA Land Pooling Scheme in connection with development of residential and commercial plots etc., shall act as the grievance redressal officer at every stage. An appeal shall lie to the District Collector whose decision shall be final.

SCHEDULE-1

PROCESS OF THE SCHEME:

(1) Notification of declaration of intention to pool lands.

(2) Obtain irrevocable consents.

(3) Invite general objections & suggestions on the intention, dispose objections & suggestions and notify final area under the scheme.

(4) Conduct claim enquiry on consents and pass orders establishing ownership.

(5) Register the claims supported by ownership orders with registration department.

(6) Refer unsettled disputes to courts of competent jurisdiction.

(7) Make benefit payments through interoperability method or any other method wherever required.

(8) Prepare draft land pooling scheme, invite objections and notify final land pooling scheme.

(9) Transfer of ownership of rights to the Authority for the purpose of implementing development scheme.

(10) Allot reconstituted plots and issue LPOC in Visakhapatnam Urban Development Authority development Scheme area.

(11) Complete basic formation of roads and physical demarcation of plots.

(12) Handover physical possession of reconstituted plot to the land owners.

(13) Prepare fresh cadastral record.

(14) Complete infrastructure development.

(15) Demarcate village site / habitation planning boundary for purpose of village development plan.

SCHEDULE II

ROLE AND RESPONSIBILITY OF THE AUTHORITY

1. Towards land owners under the Visakhapatnam Area Development Scheme in connection with development of Residential and Commercial plots.

(a) to undertake the implementation of land pooling scheme for Visakhapatnam Urban Development Authority.

(b) to issue statutory receipt for consent application with documents.

(c) to allot reconstituted plots by lottery after allocation to the landowners who surrendered their lands under Land Pooling Scheme.

(d) the authority shall guarantee the return of reconstituted land VUDA Land Pooling Scheme.

(e) the authority shall workout the sharing pattern on the basis of the developmental potentiality and submit proposals to the Government.

(f) To convert the plot area into agriculture area, the common area left in a layout shall be added proportionately to the plot area and the returnable land under LPS should be decided and conversion tax paid by landowners for converting agricultural land into layout or proposed layout shall be refunded with 6% interest without paying any annuity.

(g) For the owners who gave their lands with structures / poultry / trees etc., embedded to earth will get the valuation of such structure / poultry / trees etc., existing as on the date of notification under Rule-6 in **Form 1**. The estimated value shall be as per R&B norms for structures / poultries etc., and as per Departmental norms of Horticulture / Forests for trees / topes.

(h) Issue statutory land pooling ownership certificate [LPOC] with alienable rights within 9 months of agreement/ consent from all willing land owners.

(i) Handover physical possession of reconstituted plot within 1 month from the date of allocation of reconstituted plots to the landowners who surrendered lands under LPS.

(j) Complete the development of the scheme area within 3 years of issue of LPOC.

(k) Provide reconstituted plots in one area to a land owner having original plots in different areas as per the category of original land, to the extent possible.

(l) Provide reconstituted plots in one area to different land owners requesting for joint allocation as per the category of original land, to the extent possible.

(m) Issue LPOC to the religious institutions or charitable trusts under the purview of endowment department in cases where original lands belong to them.

2. Towards development of the area under LPS under Visakhapatnam Urban Development Authority**.**

(a) to declare areas under land pooling scheme and preparation of layout plans and sector plans based on the requirement of physical infrastructure.

(b) to super impose revenue maps on the approved master plan.

(c) to demarcate all the roads as per layout plan and sector plan within the assembled area and give approval of layout plans/detailed plans.

(d) to develop sector roads/internal roads/ infrastructure/services (including water supply lines, power supply, rain water harvesting, sewage treatment facilities, water treatment facilities, etc. falling in the share of the land guaranteed to the land owners.

(e) to create infrastructure facilities, roads, parks, cremation facility for all religions, community needs etc. at the city level.

(f) to develop identified land in time bound manner with master plan roads, provision of physical infrastructure, and traffic and transportation infrastructure inclusive of metro corridors.

(g) to complete external development in time bound manner.

(h) to complete development in time and maintain it with all the neighborhood level facilities i.e. open spaces, roads and services.

SCHEDULE- III

ROLE AND RESPONSIBILITY OF THE GOVERNMENT

1. **Towards land owners**:

(a) to provide registration for LPOCs allotted to the land owners / their nominee(s) or their transferee(s) without payment of registration charges for the plots to him/her/them in their respective Land Pooling Scheme.

(b) to provide one time exemption from Non-Agricultural Land Assessment and development feeand stamp duty and registration fee to LPOC holders at the time of execution of registered transfer deed(s) by the Competent Authority.

(c) to exempt registration fee for registering the agreements and /or other documents with Competent Authority for Development Scheme / LPS.

(d) the purchasers of lands from the landowners declared under Form 7 and not covered by 6.2(2) shall be the deemed owners under the Act and shall be accordingly issued LPOC.

2. **Other benefits**:

a) to issue ownership and transit permission through forest department for cutting and sale of teak trees in private lands duly exempting the relevant fees.

b) to allow standing crop to be harvested.

SCHEDULE- IV

ROLE AND RESPONSIBILITY OF THE LAND OWNERS

(1) to give consent application, and facilitate survey and demarcation.

(2) to prove rights over the land.

(3) to transfer ownership rights to the Authority against a guaranteed return of reconstituted plot in the same LPS.

(4) except as may be notified under clause 6.5 (2) not to create any encumbrances after submission of consent to the Competent Authority for Development Scheme.

(5) to handover physical possession of lands covered by Development Scheme to the Competent Authority for the land development as envisaged by the government.

(6) The owners shall be responsible for the following, namely:-

a) all the required infrastructure within the Reconstituted Plot allotted to them.

b) obtaining all ‘No Objection Certificates’ required for the development of the reconstituted plot and following the prevailing Development Promotion Regulations and Building Regulations / Rules depending on the type of development proposed; and

c) payment of necessary fees and charges as per the rules for the sanction of development permission.

d) for demarcation of village site / habitation planning boundary for preparation of village development plan

SCHEDULE –V

Extent of the land reserved under subsection 1 of Section 27 of the Act:

Use (1)	Share (2)
Parks, play grounds, gardens and open spaces	10%
Roads and utility services	30%
Social infrastructure (ex: schools, health and community facilities)	5%
Affordable housing for the poor	5%
Land Owners	As in rule 5
Authority	Balance land after allotment to land owners as in rule 5 of this Schedule.

KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT